

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES R. ADAMS,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

No. 05-CV-0817-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Plaintiff's counsel's October 31, 2007 petition for attorney fee pursuant to § 201(b)(1) (Doc. 34). Specifically, Frederick J. Daley, Jr., moves the Court to award him a fee for administrative and court work in the amount of \$11,190.00 of which counsel shall refund the EAJA fee of \$3,901.25 to Plaintiff. As of this date, Defendant has not responded to the petition.¹ Thus, the Court considers the failure to respond as an admission of the merits of the motion. Thus, the Court **AWARDS** attorney Frederick J. Daley, Jr., a fee for administrative and court work in the amount of \$11,190.00 of which he shall refund the EAJA fee of \$3,901.25 to James Adams. The Commissioner of the Social Security

¹**Local Rule 7.1(g)** provides in part: "A party opposing such a motion shall have **ten (10) days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the court's discretion, be considered an admission of the merits of the motion."

Administration shall make this award payable to Frederick J. Daley, Jr., Plaintiff's attorney.

IT IS SO ORDERED.

Signed this 20th day of November, 2007.

/s/ David R Herndon
Chief Judge
United States District Court